

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:17-cv-04419-SJ-SJB**

Collier v. Federal Communications Commission
Assigned to: Judge Sterling Johnson, Jr
Referred to: Magistrate Judge Sanket J. Bulsara
Cause: 05:552 Freedom of Information Act

Date Filed: 07/26/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Kevin Collier

represented by **Daniel Novack**
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V.

Defendant

Federal Communications Commission

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| Date Filed | # | Docket Text |
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| 07/26/2017 | <u>1</u> | COMPLAINT against Federal Communications Commission filing fee \$ 400, receipt number 0207-9711422 Was the Disclosure Statement on Civil Cover Sheet completed -YES,, filed by Kevin Collier. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Novack, Daniel) (Entered: 07/26/2017) |
| 07/26/2017 | <u>2</u> | Proposed Summons.Civil Cover Sheet.. Re <u>1</u> Complaint, by Kevin Collier (Attachments: # <u>1</u> Proposed Summons) (Novack, Daniel) (Entered: 07/26/2017) |
| 07/26/2017 | | Case assigned to Judge Sandra L. Townes and Magistrate Judge Peggy Kuo. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Bowens, Priscilla) (Entered: 07/27/2017) |
| 07/26/2017 | <u>3</u> | Summons Issued as to Federal Communications Commission. (Bowens, Priscilla) (Entered: 07/27/2017) |
| 07/27/2017 | <u>4</u> | In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return |

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| | | or file the consent <u>unless</u> all parties have signed the consent. (Bowens, Priscilla) (Entered: 07/27/2017) |
| 07/27/2017 | <u>5</u> | This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (Bowens, Priscilla) (Entered: 07/27/2017) |
| 08/09/2017 | <u>6</u> | SUMMONS Returned Executed by Kevin Collier. Federal Communications Commission served on 8/8/2017, answer due 9/9/2017. (Novack, Daniel) Modified on 8/9/2017 (Marziliano, August). (Entered: 08/09/2017) |
| 09/07/2017 | <u>7</u> | MOTION for Extension of Time to File Answer by Federal Communications Commission. (Apicella, Jolie) (Entered: 09/07/2017) |
| 09/11/2017 | | ORDER granting <u>7</u> Motion for Extension of Time to Answer. The deadline for Defendant to answer is extended to November 13, 2017 . Ordered by Magistrate Judge Peggy Kuo on 9/11/2017. (Feldman, Shira) (Entered: 09/11/2017) |
| 09/13/2017 | | Case Reassigned to Magistrate Judge Sanket J. Bulsara. Magistrate Judge Peggy Kuo no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Mahoney, Brenna) (Entered: 09/13/2017) |
| 11/09/2017 | <u>8</u> | Second MOTION for Extension of Time to File Answer <i>Filed and dated November 9, 2017 requesting 2 week extension from November 13, 2017 until November 27, 2017 to answer or respond to Complaint.</i> by Federal Communications Commission. (Apicella, Jolie) (Entered: 11/09/2017) |
| 11/10/2017 | | ORDER: Motion for Extension of Time to Answer <u>8</u> is granted. Defendant is directed to respond no later than 11/27/2017 . SO Ordered by Magistrate Judge Sanket J. Bulsara on 11/10/2017. (Cardenas, Alex) (Entered: 11/10/2017) |
| 11/14/2017 | <u>9</u> | SCHEDULING ORDER: An in person initial conference will be held at 11:00 AM on 2/13/2018 in Courtroom 324N before Magistrate Judge Sanket J. Bulsara. All parties must attend. Counsel are directed to complete the attached Discovery Plan Worksheet and electronically file same with Court no later than two (2) days before 2/13/2018. So Ordered by Magistrate Judge Sanket J. Bulsara on 11/14/2017. (Manson, Eddie) (Entered: 11/14/2017) |
| 11/27/2017 | <u>10</u> | ANSWER to Complaint <i>filed and dated November 27, 2017</i> by Federal Communications Commission. (Apicella, Jolie) (Entered: 11/27/2017) |
| 12/07/2017 | <u>11</u> | AMENDED COMPLAINT against Federal Communications Commission, filed by Kevin Collier. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Novack, Daniel) (Entered: 12/07/2017) |
| 12/22/2017 | <u>12</u> | MOTION for Extension of Time to File Answer by Federal Communications Commission. (Apicella, Jolie) (Entered: 12/22/2017) |
| 12/26/2017 | | ORDER: The Motion for Extension of Time to File Answer <u>12</u> is granted. Defendant shall file Answer on or before 1/26/2018 . So Ordered by Magistrate Judge Sanket J. Bulsara on 12/26/2017. (Manson, Eddie) (Entered: 12/26/2017) |
| 01/26/2018 | <u>13</u> | AMENDED ANSWER to <i>Amended Complaint filed 1-26-18</i> by Federal Communications Commission. (Apicella, Jolie) (Entered: 01/26/2018) |
| 02/12/2018 | <u>14</u> | Motion to Appear by Telephone by Kevin Collier. (Novack, Daniel) (Entered: 02/12/2018) |
| 02/12/2018 | | ORDER: The motion to adjourned the conference <u>14</u> is granted, motion to appear by telephone <u>14</u> is denied. So Ordered by Magistrate Judge Sanket J. Bulsara on 2/12/2018. (Manson, Eddie) (Entered: 02/12/2018) |
| 02/12/2018 | | RE-SCHEDULING ORDER: The in person initial conference scheduled to be held at 11:00 AM on 2/13/2018, is hereby adjourned to 3/1/2018 at 2:00 P.M. in Courtroom 324N before Magistrate Judge Sanket J. Bulsara. All parties must attend. Counsel are directed to complete the attached Discovery Plan Worksheet in docket entry <u>9</u> and electronically file same with the Court no later than two (2) days before |

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| | | 3/1/2018. So Ordered by Magistrate Judge Sanket J. Bulsara on 2/12/2018. (Manson, Eddie) . (Entered: 02/12/2018) |
| 02/22/2018 | | Case Reassigned to Judge Sterling Johnson, Jr. Judge Sandra L. Townes no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Mahoney, Brenna) (Entered: 02/22/2018) |
| 03/01/2018 | | Minute Entry for proceedings held before Magistrate Judge Sanket J. Bulsara: An in person initial conference was held on 3/1/2018. Counsel for both parties were present. (See separate docket entry for order issuing from this proceeding). (FTR Log #2:06-2:22.) (Manson, Eddie) (Entered: 03/01/2018) |
| 03/01/2018 | | STATUS REPORT ORDER: The parties are directed to file a Status Report on or before 4/4/2018 . So Ordered by Magistrate Judge Sanket J. Bulsara on 3/1/2018. (Manson, Eddie) (Entered: 03/01/2018) |
| 03/01/2018 | | SCHEDULING ORDER: An in person settlement conference will take place on 4/11/2018 at 4:00 P.M. in Courtroom 324N before Magistrate Judge Sanket J. Bulsara. The parties are directed to follow Judge Bulsara's Individual Practices Regarding Settlement Conferences. So Ordered by Magistrate Judge Sanket J. Bulsara on 3/1/2018. (Manson, Eddie) (Entered: 03/01/2018) |
| 04/03/2018 | <u>15</u> | STATUS REPORT by Kevin Collier (Novack, Daniel) (Entered: 04/03/2018) |
| 04/10/2018 | <u>16</u> | First MOTION to Adjourn Conference <i>scheduled for April 11, 2018</i> by Federal Communications Commission. (Apicella, Jolie) (Entered: 04/10/2018) |
| 04/10/2018 | | ORDER: The Motion to Adjourn Conference <u>16</u> is granted. The in person settlement conference scheduled for 4/11/2018 at 2:00 P.M. is adjourned to 4/24/2018 at 2:00 P.M. in Courtroom 324N before Magistrate Judge Sanket J. Bulsara. The parties are directed to follow Judge Bulsara's Individual Practices Regarding Settlement Conferences. So Ordered by Magistrate Judge Sanket J. Bulsara on 4/10/2018. (Manson, Eddie) (Entered: 04/10/2018) |
| 04/23/2018 | | RE-SCHEDULING ORDER: Due to a scheduling conflict the in person settlement conference scheduled for April 24, 2018 at 2:00 P.M. will now be held at 3:00 P.M. in Courtroom 324N before Magistrate Judge Sanket J. Bulsara. So Ordered by Magistrate Judge Sanket J. Bulsara on 4/23/2018. (Manson, Eddie) (Entered: 04/23/2018) |
| 04/24/2018 | | Minute Entry for proceedings held before Magistrate Judge Sanket J. Bulsara: An in person settlement conference was held on 4/24/2018. All parties were present.(See separate docket entry for order issuing from this proceeding.) (Manson, Eddie) (Entered: 04/26/2018) |
| 04/26/2018 | | ORDER: An particle resolution of the case has been achieved. Case will proceed pursuant to the settlement agreement as discussed on the record. The parties are to submit executed settlement agreement on or before May 10, 2018 . So Ordered by Magistrate Judge Sanket J. Bulsara on 4/26/2018. (Manson, Eddie) (Entered: 04/26/2018) |
| 05/07/2018 | <u>17</u> | STIPULATION of <i>Partial Settlement and Proposed Order filed May 7, 2018</i> by Federal Communications Commission (Apicella, Jolie) (Entered: 05/07/2018) |
| 05/10/2018 | <u>18</u> | STIPULATION AND ORDER OF PARTIAL SETTLEMENT. (Ordered by Judge Sterling Johnson, Jr on 5/8/2018) (Guzzi, Roseann) (Entered: 05/10/2018) |
| 08/13/2018 | <u>19</u> | MOTION for Hearing by Kevin Collier. (Novack, Daniel) (Entered: 08/13/2018) |
| 08/14/2018 | | ORDER re <u>19</u> MOTION for Hearing filed by Kevin Collier Ordered by Judge Sterling Johnson, Jr on 8/14/2018. Motion for Hearing referred to Magistrate Judge Bulsara. (Rodriguez, Ana) (Entered: 08/14/2018) |
| 08/16/2018 | <u>20</u> | RESPONSE in Opposition re <u>19</u> MOTION for Hearing filed by Federal Communications Commission. (Apicella, Jolie) (Entered: 08/16/2018) |

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| 08/21/2018 | <u>21</u> | ORDER: For the reasons stated in the attached, Motion for Hearing <u>19</u> is denied. The parties are directed to take the first step in any dispositive motion practice, consistent with Judge Johnsons individual practices, by 9/28/2018 . So Ordered by Magistrate Judge Sanket J. Bulsara on 8/21/2018. (Cardenas, Alex) (Entered: 08/21/2018) |
| 09/06/2018 | <u>22</u> | MOTION for Reconsideration re <u>21</u> Order on Motion for Hearing, by Kevin Collier. (Novack, Daniel) (Entered: 09/06/2018) |
| 09/13/2018 | <u>23</u> | RESPONSE to Motion re <u>22</u> MOTION for Reconsideration re <u>21</u> Order on Motion for Hearing, filed by Federal Communications Commission. (Apicella, Jolie) (Entered: 09/13/2018) |
| 09/17/2018 | | ORDER: The motion for reconsideration <u>22</u> is denied. "In general, '[t]he standard for granting [a motion for reconsideration] is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.'" <i>Azubuko v. Boston's Police Officer, No. 11695</i> , No. 08–CV–00328, 2008 WL 2574339, at *1 (E.D.N.Y. June 26, 2008) (quoting <i>Shrader v. CSX Transp., Inc.</i> , 70 F.3d 255, 257 (2d Cir. 1995)). The motion simply rehashes and restates arguments previously made to this Court and discussed at length in the Court's prior decision. As such there is no basis on which to grant Plaintiff's motion. <i>Id.</i> ("[R]econsideration motions should not be granted where the moving party seeks solely to re–litigate an issue already decided."). Independently, under Local Rule 6.3 Plaintiff's motion was due no later than September 4, 2018, 14 days after the Court issued its decision on August 21, 2018. The motion was filed on September 6, 2018. Filing the motion after the deadline set by Rule 6.3 is reason enough to deny the motion. <i>Gibson v. Wise</i> , 331 F. Supp. 2d 168, 169 (E.D.N.Y. 2004). So Ordered by Magistrate Judge Sanket J. Bulsara on 9/17/2018. (Murphy, Colleen) (Entered: 09/17/2018) |
| 10/15/2018 | <u>24</u> | Letter <i>Request for Status Conference</i> by Federal Communications Commission (Apicella, Jolie) (Entered: 10/15/2018) |
| 10/16/2018 | | SCHEDULING ORDER: An in–person status conference is scheduled for 12/19/2018 at 10:00 AM in Courtroom 324N before Magistrate Judge Sanket J. Bulsara. So Ordered by Magistrate Judge Sanket J. Bulsara on 10/16/2018. (Murphy, Colleen) (Entered: 10/16/2018) |
| 10/16/2018 | | RESCHEDULING ORDER: The status conference scheduled for 12/19/2018 at 10:00 AM is hereby rescheduled for 11/5/2018 at 10:00 AM in Courtroom 324N before Magistrate Judge Sanket J. Bulsara. So Ordered by Magistrate Judge Sanket J. Bulsara on 10/16/2018. (Murphy, Colleen) (Entered: 10/16/2018) |
| 10/17/2018 | <u>25</u> | MOTION to Adjourn Conference by Federal Communications Commission. (Apicella, Jolie) (Entered: 10/17/2018) |
| 10/18/2018 | | ORDER: The motion to adjourn conference <u>25</u> is granted. The status conference is hereby rescheduled for 11/20/2018 at 10:30 AM in Courtroom 324N before Magistrate Judge Sanket J. Bulsara. So Ordered by Magistrate Judge Sanket J. Bulsara on 10/18/2018. (Murphy, Colleen) (Entered: 10/18/2018) |
| 11/19/2018 | | RE–SCHEDULING ORDER: Due to a scheduling conflict the in person status conference scheduled for 11/20/2018 at 10:30 A.M. will now be held at 2:00 P.M. in Courtroom 324N before Magistrate Judge Sanket J. Bulsara. So Ordered by Magistrate Judge Sanket J. Bulsara on 11/19/2018. (Manson, Eddie) (Entered: 11/19/2018) |
| 11/20/2018 | <u>26</u> | MOTION to Adjourn Conference by Federal Communications Commission. (Apicella, Jolie) (Entered: 11/20/2018) |
| 11/20/2018 | | ORDER: The Motion to Adjourn Conference <u>26</u> is granted. The in person status conference scheduled for 11/20/2018 at 2:00 P.M. is hereby adjourned to 11/30/2018 at 12:30 P.M. in Courtroom 324N before Magistrate Judge Sanket J. Bulsara. So Ordered by Magistrate Judge Sanket J. Bulsara on 11/20/2018. (Manson, Eddie) (Entered: 11/20/2018) |
| 11/30/2018 | | Minute Entry for proceedings held before Magistrate Judge Sanket J. Bulsara: A status conference was held on 11/30/2018. Both parties were present. Parties should file a stipulation of dismissal by 12/4/2018 . If Plaintiff decides not to dismiss the case with |

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| | | prejudice, parties should notify the Court by the same date, 12/14/2018 , and the Court will set a summary judgment schedule. So Ordered by Magistrate Judge Sanket J. Bulsara on 11/30/2018. (FTR Log #12:43–12:58.) (Murphy, Colleen) (Entered: 11/30/2018) |
| 12/14/2018 | <u>27</u> | STIPULATION of Dismissal <i>and Order of Dismissal with Prejudice</i> by Federal Communications Commission (Apicella, Jolie) (Entered: 12/14/2018) |